

DAVID BURCHARD  
CHAPTER 13 TRUSTEE  
P.O. BOX 8059  
FOSTER CITY, CA 94404  
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**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SANTA ROSA DIVISION**

In re:  
DOUGLAS DUELL  
PO BOX 1296  
GUERNEVILLE, CA 95446

###-##-6371

Debtor(s).

Case No.: 10-1-4154AJ13  
Chapter 13

NOTICE BY DAVID BURCHARD, CHAPTER 13  
TRUSTEE, OF CHAPTER 13 PLAN DEFICIENCIES

**341 MEETING OF CREDITORS:**

Date: 12/14/2010  
Time: 1:00 PM  
Place: Office of the United States Trustee  
777 Sonoma Ave., First Floor, #116  
Santa Rosa, CA 95404

**CONFIRMATION HEARING:**

Date: 1/12/2011  
Time: 1:30 PM  
Place: United States Bankruptcy Court  
99 South E Street  
Santa Rosa, CA 95404

DAVID BURCHARD, Chapter 13 Trustee in the above-entitled action, cannot recommend Confirmation of the Chapter 13 Plan proposed hereunder by Debtor(s) for the following reason(s).

1. The Trustee is in receipt of attachments to the Chapter Thirteen Business Questionnaire; however, the following documents appear to be missing: Chapter Thirteen Business Questionnaire and copy of 2007 Federal Income Tax Returns.
2. Pertaining to paragraph 10, the Trustee requests evidence of insurance policy on each and every item of real and personal property valued at more than \$500.00 and are listed in Schedules A and B. For all such property and any and all such property acquired by Debtor after commencement of the case, the Trustee requests that Debtor provide proof of insurance policy every six months for the term of the plan.
3. The Trustee requests language in the plan requiring the Trustee's approval to sale, transfer, and purchase of any property of the estate during the term of the plan.
4. Paragraph 12 of the Debtors' plan indicates the lien on the real property held by Bank of America shall be voided. The Trustee is in receipt of Debtor's adversary proceeding against Bank of America. The Trustee requests that this proceeding be resolved prior to confirmation.
5. The Trustee requests that the attachments to Schedules D and C be removed.

6. The petition contains conflicting information concerning attorneys' fees. Paragraph 3 of the plan lists total fees requested in the amount of **\$2,388.00**; however, the Statement Pursuant to Rule 2016(B) indicates total fees requested in the amount of **\$6,388.00**. The Trustee requests that Debtor's counsel amend the appropriate schedules so they are accurate and consistent.
7. The Trustee requests verification of the monthly \$1,668.00 from unemployment and \$1,450.00 from family contribution income as reflected on Schedule I.
8. The Trustee requests verification of the rental income of \$167.67 as reflected on the Form 22C.
9. Schedule J lists business expenses totaling \$1,313.00. The Trustee requests that Debtor provide an attachment to Schedule J itemizing business expenses.
10. The Debtor is claiming exemptions under C.C.P. §703 and §704. The Debtor may utilize only one set of exemptions under the California Code of Civil Procedure. The Trustee requests an amended Schedule C.

PLEASE TAKE NOTICE that, without prior notice, at the above-referenced confirmation hearing date assigned to your Chapter 13 case, the Court may DISMISS the above-referenced case upon making a determination that Debtor(s) has/have not presented a feasible Plan, Debtor(s) has/have not made the required payments under the Plan, Debtor(s) has/have violated the statutory debt limitations set for a Chapter 13 case, Debtor(s) has/have not filed this proceeding in good faith, Debtor(s) has/have not provided documents and/or Schedules and Plan as required under the Bankruptcy code, and/or Debtor(s) has/have not provided the Trustee with Payment Advices or Declarations.

Dated: November 22, 2010

DAVID BURCHARD

DAVID BURCHARD, Chapter 13 Trustee

## Certificate of Mailing

I, LILIAN TSANG, the undersigned, certify that:

I am over the age of 18 years and not a party to this action. I am employed by the Trustee whose business address is 393 Vintage Park Drive, Suite #150, Foster City, CA. On the date set forth below, I served a copy of the NOTICE BY DAVID BURCHARD, CHAPTER 13 TRUSTEE, OF CHAPTER 13 PLAN DEFICIENCIES, and this Certificate of Mailing, on the persons listed below by following our ordinary business practice for service, which is either deposited in the ordinary course of business with the U.S. Postal Service by first class mail or served by electronic transmission from the Court, if applicable. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DOUGLAS DUELL  
PO BOX 1296  
GUERNEVILLE, CA 95446

EDMUND B. DECHANT  
LAW OFFICES OF EDMUND B. DECHANT  
2 E. ST. PO BOX 1708  
SANTA ROSA, CA 95402-1708

United States Trustee  
235 Pine Street, Suite 700  
San Francisco, CA 94104

Dated: November 22, 2010

LILIAN TSANG  
LILIAN TSANG